

CITY OF LAVON, COLLIN COUNTY TEXAS

ORDINANCE NO: 2016-01-01

Revised Parking Ordinance

AN ORDINANCE OF THE CITY OF LAVON, COLLIN COUNTY, TEXAS: PROHIBITING PARKING AT CERTAIN LOCATIONS AND TIMES; RESTRICTING THE PARKING OF CERTAIN VEHICLES IN RESIDENTIAL AREAS AND PROVIDING CORRESPONDING DEFINITIONS; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVINGS, AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City Council of the City of Lavon ("City Council") seeks to protect the public safety, preserve the quality of life, and prevent nuisances in the City; and

WHEREAS, the City Council finds that the regulation of stopping, standing and parking of motor vehicles in is the best interest of the City, visitors and residents; and

WHEREAS, pursuant to Texas Local Government Code the City Council has the general authority to adopt and publish an ordinance or police regulation that is for the good government, peace or order of the municipality and is necessary or proper for the carrying out a power granted by law to the municipality; and

WHEREAS, City Council of the City of Lavon believes it is in the best interest of the citizens and visitors to the City, to regulate the parking of vehicles within the City of Lavon.

NOW THEREFORE: BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS:

SECTION 1. Enactment

1.1 The City Council of the City of Lavon finds that the above foregoing recitals are true and correct and are hereby incorporated for all purposes as official findings of the City Council of the City of Lavon.

1.2 Popular Name - This Chapter shall be commonly cited as the "Revised Parking Ordinance."

1.3 Scope

This Chapter applies to all parking of vehicles within the incorporated municipal boundaries (i.e., "city limits").

SECTION 2. Definitions

2.1. General

Words and phrases used in this Chapter shall have the meanings set forth in this section. Terms that are not defined below, but are defined elsewhere in the Code of Ordinances, shall be given the meanings set forth in the Code. Words and phrases not defined in the Code of Ordinance shall be given their common, ordinary meaning unless the context clearly requires otherwise. When not inconsistent with the context, words used in the present tense shall include the future tense; words in the plural number shall include the singular number (and vice versa); and words in the masculine gender shall include the feminine gender (and vice versa). The word "shall" is always mandatory, while the word "may" is merely directory. Headings and captions are for reference purposes only.

2.2 Alley

Any narrow street used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street and having no legal or official name other than "alley."

2.3 Bus

Every motor vehicle designed for carrying more than ten (10) passengers and used for the commercial transportation of persons.

2.4 Camper-Trailer

A folding or collapsible vehicular structure, without its own power, designed as temporary living quarters for travel, camping, recreation, and vacation use which is licensed and registered for highway use.

2.5 Commercial Motor Vehicle

Any motor vehicle designed or used for the transportation of property, not including a passenger bus, passenger automobile, motorcycle, or pickup truck, but including any other type truck, tractor, trailer, semitrailer, pole trailer or any combination thereof which has a gross registered carrying capacity of more than 4,000 pounds.

2.6 Curb

The lateral lines of a roadway, whether constructed above grade or not, which are not intended for vehicular travel.

2.7 Divided Roadway or Highway

A roadway or highway divided into two roadways by leaving an intervening space or by a physical barrier, or clearly indicated dividing section between the two roadways.

2.8 Horse Trailer or Stock Trailer

A vehicular structure without its own motive power designed primarily for the transportation of horses or stock which, in combination with the towing vehicle, is currently licensed and registered for highway use.

2.9 Improved or Paved Surface

A surface that consists of materials other than dirt or grass such as, but not limited to, concrete, asphalt, rock, pavestone, etc. and must be attached to the ground surface.

2.10 Loading Zone

A space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

2.11 Median Strip

That area or portion of a divided street, road, or highway within the City separating the two roadways of said street, road, or highway and shall be held to include the curb, if any, at the outer edge of said area.

2.12 Mobile Home

Living quarters equipped or used for sleeping and eating which may be moved from one location to another over a public street by being pulled behind a motor vehicle.

2.13 Motor Home

A vehicular unit built on or as part of a self-propelled motor vehicle chassis, primarily designed to provide temporary living quarters for travel, camping, recreation, and vacation use, and is licensed and registered for highway use. Conversion vans are exempted.

2.14 Operator

Any person in control of a vehicle, including a railroad train or vehicle being towed.

2.15 Parking Ban

Certain hours during the day at which times standing, parking, or stopping of a vehicle is prohibited along the curb of designated streets as indicated by signs authorized by the traffic administrator.

2.16 Park and Parking

The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of, and while actually engaged in loading or unloading merchandise or passengers.

2.17 Public View

Vehicular unit that is visible at any time of the year from a public place or public right of way.

2.18 Residential Area

Any tract of land that is used for residential purposes and/or the portion of a street and/or right-of-way directly abutting said tract of land.

2.19 School Traffic Zone

An area of a public street or highway within the City and in the vicinity of a public or private school and upon which children of school age walk or cross at certain times of the day on school days.

2.20 Screened From Public View

Fully concealed from public view.

2.21 Traffic Administrator.

The person, or his authorized representative, designated by the City council to exercise the powers and duties conferred upon him by this chapter as well as by the laws of the state vesting powers in local traffic authorities.

2.22 Trailer

Horse or Stock Trailer, Utility Trailer, Camper-Trailer, and/or Watercraft Trailer.

2.23 Travel Trailer

A rigid structure, without its own motive power, designed as a temporary dwelling for travel, camping recreation and vacation use, which is licensed and registered for highway use and which when equipped for the road has a body width of not more than eight feet.

2.24 Truck Camper

A portable structure, without its own motive power, designed to be mounted on a power vehicle as a temporary dwelling for travel, camping, recreation and vacation use, and which in combination with the carrying vehicle is licensed and registered for highway use.

2.25 Utility Trailer

A vehicular structure without its own motive power designed and/or used for the transportation of all manner of vehicles, livestock, goods and materials and is currently licensed or registered for highway use.

2.26 Vehicle or Motor Vehicle

A self-propelled device that can be or is intended to be used to transport or draw persons and/or property on a highway or street, including but not limited to a car, truck, trailer, truck-tractor, semi-truck, tractor-trailer, 18-wheeler and/or motorcycle.

2.27 Watercraft

A boat or any device used or capable of being used for navigation on water.

2.28 Watercraft Trailer

A vehicular structure without its own motive power, specifically designed to transport watercraft for recreation and vacation use and which is currently licensed and registered for highway use.

SECTION 3. Offense

3.1 It shall be unlawful for any person to stop, stand or park a vehicle at any place prohibited by the applicable laws of the state.

3.2 It shall be unlawful for any person to stop, stand or park any vehicle at any time upon any public street, alley, public place or fire lane when signs are erected or curbs painted giving notice that parking there is prohibited.

3.2.1 Curbs, roads or parking lots marked with red paint shall denote no parking.

3.2.2 A red stripe denoting no parking may include clarifying words such as "No Parking", "Parking Prohibited", or "Fire Lane"

3.3 It shall be unlawful for any person to park any motor vehicle upon any public street, alley, or public property of any nature in the City for the purpose of greasing, changing oil, or repairing such vehicle, except repairs necessitated by an emergency.

3.4 With the exception of it being allowable to have one vehicle for sale on the street in front of a person's home if parked properly, it shall be unlawful for any person to sell or exhibit property of any nature upon any public street, alley, or public property of any nature in the City.

3.5 It shall be unlawful for any person to park a motor vehicle in or upon any median strip as that term is defined herein.

3.6 It shall be unlawful for any person to park a motor vehicle in front of a public or private driveway or within three feet of the curved portion of any such driveway without the effective consent of the owner of the property on which the driveway is located.

3.7 It shall be unlawful for a person to park a motor vehicle on a street in a residential area if the passenger-side wheels of such vehicle are not parallel to and within eighteen (18) inches of the curb or edge of pavement.

3.8 It shall be unlawful for a person to park a motor vehicle in such a manner as to restrict the free flow of traffic on the street and with insufficient clearance for emergency responders to safely and swiftly pass the parked vehicle.

3.9 It shall be unlawful for any person to habitually park a motor vehicle on the portion of a street abutting or adjacent to a single family residential lot, unless the owner or operator of the motor vehicle is an owner and/or occupant of the residence located on that single

family residential lot. For purposes of this regulation, the term "habitually park" means to park more than seven (7) days in any given thirty (30) day period.

3.10 It shall be unlawful for a person to park a semi-truck cab, bus, watercraft, and/or commercial motor vehicle on the street in a residential area, except for purposes of loading or unloading passengers, freight, or merchandise.

3.11 On residential lots less than 1 full acre, it shall be unlawful for any person to park any of the following between a lot's front building line and the edge of pavement of the street unless parked on a paved or improved surface: Motor vehicle, truck camper in combination with its carrying vehicle, watercraft loaded on a watercraft trailer, watercraft, collapsible camper-trailer, trailer, motor home, or farming equipment.

3.12 It shall be unlawful for a person to park any vehicle, trailer, watercraft, farming equipment mobile home, or motor home on a private drive or driveway in such a manner that it extends onto the sidewalk or into the street.

3.12.1 It shall be unlawful for a person to park a trailer, truck camper, motor home, or watercraft loaded on a watercraft trailer on the street for more than sixteen (16) consecutive hours.

3.13 It shall be unlawful for a person to perform repair work, dismantling or assembly of motor vehicles, trailers, watercraft, campers, motorhomes or other machinery on any public street or public right of way.

3.13.1 It shall be unlawful for a person to perform repair work, dismantling or assembly of motor vehicles, trailers, watercraft, campers, motorhomes or other machinery in any driveway in a residential area to the extent such work takes more than seventy-two (72) consecutive hours to complete.

3.14 It shall be unlawful for a person to park and/or store a motor vehicle, truck camper, trailer, or watercraft being occupied or used for living or sleeping. Nonpaying guests of the residents of a household are exempted for periods not to exceed fourteen (14) days in any thirty (30) day period.

3.15 It shall be unlawful for a person to park, stand, or store a motor vehicle, trailer, or watercraft in such manner as to create a dangerous or unsafe condition.

3.15.1 Parking, standing, and/or storing any motor vehicle, trailer, or watercraft, in such a fashion that such may tip or roll shall be considered a dangerous and unsafe condition.

3.16 It shall be unlawful for a person to park, stand or stop a motor vehicle with the driver's door to the curb or what is commonly known as "wrong way parking" except on a one way street that allows parking on the left side of the street.

SECTION 4. Savings and Repealing Clause

4.1 All provisions of any ordinance in conflict with this Ordinance are hereby repealed, but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinance shall remain in full force and effect. This ordinance repeals Ordinance 2004-04-02 in its entirety.

SECTION 5. Severability

5.1 It is hereby declared by the City Council of the City of Lavon that if any of the sections, paragraphs, sentences, clauses or phrases of this ordinance shall be declared unconstitutional or otherwise illegal by the valid judgment or decree of any court of competent jurisdiction, such event shall not affect any remaining the sections, paragraphs, sentences, clauses or phrases of this ordinance.

SECTION 6. Enforcement and Penalties

6.1 Civil & Criminal Penalties

6.1.1 The City shall have the power to administer and enforce the provisions of this Ordinance as may be required by governing law. Any person violating any provision of this Ordinance is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this Ordinance is hereby declared to be a nuisance.

6.2 Criminal Prosecution

6.2.1 Any person violating any provision of this Ordinance shall, upon conviction, be fined a sum not exceeding five hundred dollars (\$500.00). Each day that a provision of this Ordinance is violated shall constitute a separate offense. An offense under this Ordinance is a misdemeanor.

6.3 Civil Remedies

6.3.1 Nothing in this Ordinance shall be construed as a waiver of the City's right to bring a civil action to enforce the provisions of this Ordinance and to seek remedies as allowed by law, including, but not limited to the following:

6.3.1.1 injunctive relief to prevent specific conduct that violates the Ordinance or to require specific conduct that is necessary for compliance with the Ordinance; and

6.3.1.2 a civil penalty up to one hundred dollars (\$1000.00) a day when it is shown that the defendant was actually notified of the provisions of the Ordinance and after receiving notice committed acts in violation of the Ordinance or failed to take action necessary for compliance with the Ordinance; and other available relief.

6.4 Any vehicle found to be in violation of this ordinance may be towed by order of a police officer. Any and all expenses related to the towing and storage shall be the responsibility of the owner of the vehicle and shall be in addition to any fines or fees.

6.5 If the vehicle is unoccupied it shall be assumed that the owner parked the vehicle.

6.6 Since unlawfully parked cars often are unattended, officers may issue a traffic summons to the owner of the vehicle.

6.6.1 If an owner cannot be located, an officer may leave the summons on the vehicle in a conspicuous place such as under the windshield wiper.

6.7 An officer issuing a traffic summons to an unattended vehicle may use the registered owner as the defendant and may omit any unavailable information for the summons.

SECTION 7. Traffic Administrator

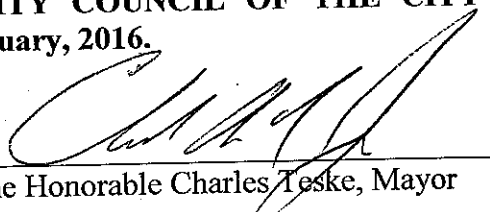
7.1 The City Council by motion and vote shall designate an employee to serve as the Traffic Administrator.

7.2 The Traffic Administrator shall have the authority to designate, review and authorize any traffic related issues, to include but not limited to designating parking and no parking areas; designating the placement of all traffic control signs and devices on City streets; and designate the flow of traffic on streets within the City.

SECTION 8. Effective Date

8.1 This ordinance shall be in full force and effect from and after its passage and publication and it is so ordained.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS ON THIS 5th DAY OF January, 2016.


The Honorable Charles Teske, Mayor

Attest:


Kelly Davis, City Secretary